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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,600	10/11/2001	Joseph R. Rapisarda	34759.9200	9929

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Daniel R. Pote, Esq.
SNELL & WILMER L.L.C.
One Arizona Center
400 E. Van Buren
Phoenix, AZ 85004

EXAMINER

CANFIELD, ROBERT

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,600

Applicant(s)

RAPISARDA ET AL.

Examiner

Robert J Canfield

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 31-41 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42-55 is/are allowed.
- 6) ☒ Claim(s) 1,2,6,8-13,20-25 and 29 is/are rejected.
- 7) ☐ Claim(s) 3-5,7,13-15,17-19,26-28 and 30 is/are objected to.
- 8) ☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 6, 20 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan 9-222248.

The Japanese reference provides a concrete clean room bearing floor comprising a plurality of openings between beams 12 and 14 to shut off the propagation of vibration. The reference further provides inserts in the form of grates 18.

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 8-12, 16 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 9-222248.

The Japanese references provides all of the elements noted in the rejection but fails to provide the specifics of the supporting structure of the floor and fails to specifically address the wall structure, filtered inlet and circulating equipment. The examiner takes Official Notice that it is well known in the building arts to support a concrete bearing floor with a plurality of columns, beams and footings. It is further well known to reinforce and connect the floor, columns, beams and footings with horizontal and vertical reinforcing bars to strengthen the concrete

1. This is a first Office action on the merits for application serial number 09/975600 filed 10/11/01. Claims 1-55 are pending. This Office action is in response to applicant's election received 12/01/03. The examiner acknowledges applicant's election of Group I, claims 1-30 and 42-55 without traverse. Claims 31-41 are being withdrawn from consideration for being directed to a non-elected invention.

2. The disclosure is objected to because of the following informalities:

Page 10, line 13 recites "six inches two four feet" which is unclear. It appears applicant intended "two" to be - - to - -,

Section line XIV-XIV of page 24 is not found in the figure1 as stated. The figure uses 14-14. The specification should be amended to correspond to the figure.

Appropriate correction is required.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the some openings being partially of completely filled with vibration-dampening material such as plastic, sponge, or rubber must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. Claim 16 is objected to because of the following informalities: "said columns" lack antecedent basis. Appropriate correction is required.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of standards render the scope of the claim indefinite as the standard may change with time.

7. Applicant is advised that should claims 6 and 7 be found allowable, claims 29 and 30 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

and connections. It would have been obvious at the time of the invention to one having ordinary skill in the art to have supported the concrete bearing floor of the Japanese reference with conventional well known concrete reinforced supporting structures.

A clean room by its very nature is provided with walls surrounding the floor openings, filtered inlets and circulating equipment as demonstrated throughout the prior art of record. It would have been obvious at the time of the invention to one having ordinary skill in the art that the clean room floor of the Japanese reference be used in conventional known clean room environments including walls, filtered inlets and circulating equipment. The title alone suggests use in these environments. It would have been obvious to create a clean isolated space.

12. Claims 3-5, 7, 13-15, 17-19, 26-28 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 42-55 are allowed as the prior art of record fails to adequately teach or suggest clean room walls movably attached to a perforated floor and ceiling.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J Canfield whose telephone number is 703-308-2482. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert Canfield



Robert Canfield
Primary Examiner